

Rev. 12/2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEP 29 2021

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Keven James Leopard  
Plaintiff's full name and prisoner number

Plaintiff,

v.

Case No. 4:21-CV-5132-RMP  
(leave blank – for court staff only)

Benton County, WA, Corporal  
Nelson, Chaplin Jennifer,  
Naphcare INC, Ideal Option PLLC  
Defendant's/defendants' full name(s)

PRISONER CIVIL RIGHTS  
COMPLAINT

Defendant(s).

Jury Demand?

☒ Yes  
☐ No

(If you cannot fit all of the defendants' names in the space provided, please write "see attached" in the space above and attach additional sheets of paper, as necessary, with the full list of names. The names listed here must be identical to those in Section II. Do not include addresses here. **Individuals whose names are not included in this section will not be considered defendants in this action.**)

WARNINGS

1. Do not use this form if you are challenging the validity of your criminal conviction or your criminal sentence. If you are challenging your conviction or sentence, or if you are seeking restoration of good-time credits that would shorten your sentence, you must file a Petition for Writ of Habeas Corpus. If you use this form to challenge your conviction or sentence, you risk having your claim dismissed. Separate forms are available for filing a habeas petition.
2. Under the Prison Litigation Reform Act ("PLRA"), you are required to exhaust all remedies in your institution's grievance system that are available to you before filing suit. This generally means that you must file a grievance and, if it is denied, appeal it through all available levels of review. Your case may be dismissed if you fail to exhaust administrative remedies, unless the administrative grievance process was not "available" to you within the meaning of the PLRA. You are not required to plead or show that you have exhausted your claim in this complaint.

3. Please review your complaint carefully before filing. If your case is dismissed, it may affect your ability to file future civil actions while incarcerated without prepaying the full filing fee. Under the PLRA, a prisoner who has had three or more civil actions or appeals dismissed as frivolous, malicious, or for failure to state a claim cannot file a new action without first paying the full filing fee, unless the prisoner is in imminent danger of serious bodily injury.

4. Under Federal Rule of Civil Procedure 5.2, papers filed with the court, including exhibits or attachments to a complaint, may not contain certain information, which must be modified as follows:

Do not include:

- a full social security number
- a full birth date
- the full name of a minor
- a complete financial account number

Instead, use:

- the last four digits
- the birth year
- the minor's initials
- the last four digits

5. At this stage of the proceeding, you need not submit exhibits, affidavits, grievances, witness statements, or any other materials with this complaint to the Clerk's Office. Any documents you submit *must relate directly to the claims you raise in this lawsuit*. They will become part of the court record and *will not be returned to you*.

#### I. PLAINTIFF INFORMATION

Leopard Keven James

Name (Last, First, MI)

Aliases/Former Names

103399

Prisoner ID #

Benton County Corrections

Place of Detention

7122 W. Okanogan PL #B

Institutional Address

Benton Kennewick, WA

County, City

State

99336

Zip Code

Indicate your status:



Pretrial detainee



Civilly committed detainee



Immigration detainee



Convicted and sentenced state prisoner



Convicted and sentenced federal prisoner

**II. DEFENDANT INFORMATION**

Please list the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page of the complaint. Attach additional sheets of paper as necessary.

Defendant 1: Benton County, WASHINGTON  
 Name (Last, First)  
N/A  
 Current Job Title  
620 Market Street P.O. Box 190  
 Current Work Address  
Benton Prosser WA 99350  
 County, City State Zip Code

Defendant 2: Nelson Corporal  
 Name (Last, First)  
Corporal Benton County Corrections  
 Current Job Title  
7122 W. Okanogan PL BLDG #B  
 Current Work Address  
Benton Kennewick WA 99336  
 County, City State Zip Code

Defendant 3: Jennifer Chaplin  
 Name (Last, First)  
CHAPLIN  
 Current Job Title  
7122 W. Okanogan PL BLDG #B  
 Current Work Address  
Benton Kennewick, WA 99336  
 County, City State Zip Code

Please see Attached Paper  
 Titled Pg 3 Defendants.

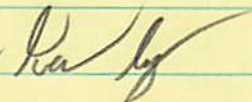
### Pg. 3 Defendants

#4.) Naphcare, INC.

7122 W. Okanogan PL, Suite 4000  
Kennewick, WA 99336

#5.) IDEAL OPTION, PLLC.

8508 W. Gage BLVD, Suite A101  
Kennewick, WA 99336

Signx 

9-23-21



### III. STATEMENT OF CLAIM(S)

*In this section, you must explain what you believe each defendant did to violate your civil rights, and if you know, identify the federal statutory or constitutional right you believe was violated.*

*If you believe the defendant(s) violated your civil rights in more than one way, explain each violation under a different count. For example, if you believe you received constitutionally inadequate medical care and your religious rights were substantially burdened, include one claim under "Count I" (i.e., medical) and the other claim under "Count II" (i.e., religion).*

*Number your paragraphs. For example, in Count I, paragraphs should be numbered 1.1, 1.2, 1.3, etc., and in Count II, paragraphs should be numbered 2.1, 2.2, 2.3, etc. The first two paragraphs of each Count have been numbered for you.*

*If you have more than three counts, attach additional pages and follow the same format for each count.*

*If you attach documents to support the facts of your claim(s), you must specify which portion of the document(s) (i.e., page and paragraph) you are relying on to support the specific fact(s) of your claim(s). If you do not specify the portion of the supporting document(s), the Court may disregard your document(s).*

#### COUNT I

*Identify the first right you believe was violated and by whom:*

1.1 14TH Amendment, Benton County, Corporal Nelson, Chaplin Jennifer

*State the facts of your first claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.*

1.2 Corporal Nelson failed to Protect me From "Known" Sexual Abuse & Harassment the same goes for Chaplin Jennifer. Please SEE ATTACHED paper titled #4 pgs 1-4

for Full Claim. Please also  
See EXHIBIT "A" & "B" for more  
information.. The PREA Report  
CODE for my Report is  
7824230. The Report is Still  
Open as of 9-23-2021.

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count I. Continue to number your paragraphs.

1.3) I was Sexually Assaulted numerous times and Harassed.. I was "FORCED" to Live in the same Pod with my Abuser! I suffered Severe Psychological Damage and Now have Serious Problems trying to Live my Life.

COUNT II

Identify the second right you believe was violated and by whom:

2.1 Deliberate Medical Indifference and inadequate Medical care, Naphcare, INC and Ideal Option, PLLC

State the facts of your second claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

2.2 On 9-22-2020 i was Placed on the "MAT" Program here at Benton County Corrections provided by "Ideal Option Due to my Opioid Use Disorder. Since being placed on the Program i've Relapsed at least "6" times, 4 of those 6 times were due to a Officer at Jail providing Heroin and Blues to Several inmates i was in Close Contact with. I have Stated over and over to the "MAT" Provider and the Jails Medical provider (Naphcare, INC) that my Doseage and the Days in which i recieve my Medication (Subutex) where both Not working and that i Needed to be placed on Daily Dosing and my Doseage Raised That way i wouldn't go into Withdrawls and Ultimately Relapse.. I have "Severe"

Withdrawal's with Symptoms ranging from Cold Sweats, Headaches, Muscle Cramps Physical, Psychological Cravings for "Opioids" to Extreme Nausea and Vomiting BLOOD. "Dates" range from 9-2020 to current Day 9-23-2021. Both "Ideal Option" and Naphcare, INC Refuse to Re-Evaluate my Medical Needs for my Addiction.

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count II. Continue to number your paragraphs.

I have been "Forced" into Relapsing and into Severe Withdrawals Due to Both Naphcare & Ideal Option Refusing to Provide me with The "PROPER" Medical care my Chronic Condition Requires.

### COUNT III

Identify the third right you believe was violated and by whom:

3.1

None

State the facts of your third claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

3.2

None



N/A

*State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count III. Continue to number your paragraphs.*

N/A

#### IV. RELIEF

*State exactly what you want the Court to do for you. For example, you may be seeking money damages from an individual defendant, you may want the Court to order a defendant to do something or to stop doing something, or you may want both kinds of relief. Make no legal arguments. Cite no cases or statutes.*

Count #1.) I am seeking Money Damages from  
the Defendants. Count #2.) I would like  
to have my Medical/Addiction Needs  
Re-evaluated and MET ASAP!

#### V. SIGNATURE

*By signing this complaint, you represent to the Court that you believe the facts alleged to be true to the best of your knowledge, that you believe those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.*

9-23-21

Dated



Plaintiff's Signature

#4

To whom it may concern,

I filed a PREA with Corporal Nelson on or around 4/14/20 here at Benton County Corrections located at 7122 W. Okanogan PL BLDG-B Kennewick, WA 99336. The Incident's first started to occur in January 2020 with Sexual Comments directed towards me from my Cellmate Beau Upton in C-pod Cell-7. They continued to happen more and more over the next few months. In or around March 2020, All of C-pod moved to F-pod which is an open bay pod due to construction work in the Jail. During my stay in F-pod Beau continued to make Sexual advances at me and repeated comments on how his sexual preference and how good he could get me off... At that time I finally couldn't handle the stress of being sexually harassed any longer. After voicing my concern to a few other inmates, I spoke with Beau Upton about his comments toward me and the mental effect of his actions. He apologized about it and said he just couldn't control himself, but it won't happen again, at that moment he placed his hand on my thigh and moved it back on forth towards my privates. That point I removed his hand and used the phone to report the Sexual Assault, I used the prompt 4 option and left a message asking to talk to someone asap... A day later Corporal Nelson pulled me out of F-pod to ask me what was going on because a Lutenit received my message and sent Nelson to respond. I stated to Nelson that Beau Upton over the course of 4

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# 4

I asked Corpral Nelson to Remove Beau from F-pod an that i wanted to press Charges for the assault... He told me he would make the report an Investigate further, But it should be noted that once i stated Beau as the suspect, Corpral Nelson said they have had issues with Beau Upton before and it was widely known between the Officers that Beau was a Homosexual. I did not comment and just asked Nelson to report it please. The Next day Beau was removed from F-pod, Then the following day i was removed and housed in 201 cell 4. It should be noted i reported to mental health i couldnt handle the Homosexual gestures from Beau and i was getting angry so I was moved to 201, The mental health worker's name was Sergio... From the end of April 2020 to the end of June i believe i was housed in 201 but then moved back to C-pod. Where Beau Upton was also housed... He would constantly come to my cell # 4 an try to speak with me but i ignored him until my mental health just gave away, I couldnt stop crying i was being tormented by Beau, I didnt want to be in C-pod any longer so i filed a kite to Chaplin Jennifer asking to talk ASAP!! When she came to see me i let her know what was going on an to see if she could help me get away to another pod or have Beau removed, She said she would tell the Corpral about whats going on. Days go by an its still the same, Constant sexual harassment

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#4

to the point i just wanted to hide... to not exist... on Sept 16<sup>th</sup> 2020 All of G-pod was split up rehoused between G-pod + H-pod. At that time i was moved to H-pod and was housed in the same open bay unit as Beau Upton... from Sept to Oct i was Mentally Scarred and Damaged Beyond Repair...

I was moved to 201 again due to a issue with another inmate and about a week later Beau Upton was in 201. During that time Beau reportedly approached my cell #10 trying to talk to me, I told to leave me the Hell alone, a few days later he left, around 11/5/20 i kited Mental Health asking for someone to talk to me about Sexual assault, A day later Cpl Nelson an Cpl Ammonds pulled me outside of 201 asking me whats going on if this was about the previous issue with Beau Upton or something new.. I told them at that time that i wanted to talk to mental health and Not them because Nelson failed to protect me from Abuse and Mental Abuse.. I had to file a Grievance on Mental Health because no one would come talk to me about the incidents an Mental Damage that Beau Upton and Corporal Nelson caused.. Finally on 11/21/20 i spoke with villy from mental health.. On 1/7/21 i wrote a letter to my Attorney Karla Kane about the Sexual harassment + assault. She gave me info to find out info about the Report Cpl Nelson made back in April 2020.

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#4

Also on 1/7/21 I wrote a letter to Benton County Corrections (Jail Records) Asking for all information from Cpl Nelson, Cpl Ammonds and Cpl Bullington to do with conversations / Emails etc that include the words or search hits Kevin Leopold, Beau Moten and or PEEA or all the above. Today, 1/14/21 I received a letter from the Jail Records department with a tracking number of 2021-009, I was told that NO such records were found after a thorough search.... It is my knowledge that there should have been something reported because BCC has a zero tolerance policy on any sexual harassment or assaults.... I cannot explain the fear, the pain, the mental trauma and stress I was forced to deal with because Corporal Nelson didn't take the proper steps to not only protect me but protect my rights as a human being.. I fear I'll forever be traumatized from the events I was forced to experience.

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**Benton County  
Corrections Department**

Scott Souza, Chief of Corrections



7122 W Okanogan Place  
Kennewick, WA 99336  
(509) 783-1451  
co.benton.wa.us

January 13, 2021

Keven Leopard #103399  
Benton County Jail  
7122 W. Okanogan Pl. Bldg. B, POD G  
Kennewick, WA 99336

EX-A.)

RE: RECORD REQUEST 2021-009

Dear Mr. Leopard,

We received your request on January 11, 2021, and it was assigned tracking number 2021-009. This letter serves to acknowledge your request pursuant to RCW 42.56.520. You requested:

1. Communication regarding your name, PREA or both from Cpl. Nelson, Cpl. Ammons, and Cpl. Bullington from 04-16-20 to 01-05-21;
2. All records to do with public disclosure;
3. Private emails between them; and
4. Any documents with your name and Beau Upton

Regarding #2 above we are requesting clarification as to what documents you are seeking as permitted by RCW 42.56.520. You have requested *all records to do with public disclosure*, which is not an identifiable public record.

Regarding #3 above we are requesting clarification as to what documents you are seeking as permitted by RCW 42.56.520. You have requested *Private emails between them*, which is not an identifiable public record.

Please describe in detail the records you are seeking so that we may fulfill your request. We need a description of the incident, possible date the incident occurred, and who may be involved for us to start searching for records. In general, the more specific the request describes the records sought, the greater likelihood our office will be able to locate those records for you in a timely manner.

Regarding #1 and #4 after a thorough search of the Benton County Corrections Department's records was conducted, we were unable to locate any records responsive to your request. This search does not include other jurisdictions.

Risk Management



7122 W Okanogan Place; Bldg. A  
Kennewick, WA 99336  
PHONE (509) 736-3082  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

Ex-B.)

April 12, 2021

Keven Leopard  
7122 W. Okanogan Pl.  
Bldg. B – Jail POD - 201  
Kennewick, WA 99336

RE: Claim No: CC 2021-06

Benton County has received your claim against the Benton County Corrections Department on March 17, 2021.

We have reviewed your claim and it is our determination based on our investigation that this incident was not directly or indirectly the result of any negligence of Benton County, their employees, or officials. Therefore, we must deny your claim for damages.

Should you have any additional questions or concerns regarding your claim, you may contact me at 509-736-3082.

Sincerely,

Adam Morasch  
Risk Manager